

The following are comments received during the public and agency scoping process for the Columbia River Management Program Environmental Impact Statement. The comment period was open from May 5, 2006 through June 5, 2006. During that period, comments were accepted via regular mail and email. In addition, both hand written comments and transcribed verbal comments were accepted at four public open houses held during the scoping period. The public open houses were held in Wenatchee, Colville, Moses Lake, and Kennewick.

The comments received are organized below follows:

- A) Comments received via regular mail,
- B) Comments received via email,
- C) Hand written comments received at open houses, and
- D) Comments transcribed at open houses.



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June 5, 2006

Derek Sandison  
Department of Ecology  
15 W. Yakima, Suite 200  
Yakima, WA 98902



Re: Columbia River EIS scoping comments

Dear Mr. Sandison,

Sierra Club is an international conservation organization dedicated to the protection and enjoyment of planet Earth. In Washington, Sierra Club has more than 30,000 members, many of whom hike, bike, paddle, hunt and fish in the many waterways of eastern Washington and the Columbia River basin. We thank you for the opportunity to provide comments on the new Columbia River water program.

The Columbia River Water Management Program seems pretty directly headed toward the construction of new dams in the Columbia basin. Sierra Club generally believes this to be bad policy. The Columbia suffers from significant environmental problems associated with existing dams and reservoirs. Wouldn't it be better to solve these problems before adding more into the mix?

It is critical that the Environmental Impact Statement for the Columbia water program thoroughly analyze the impacts associated with a new dam building program, including the multiple, cumulative impacts that could arise from adding new facilities into an already heavily dammed river system. Such impacts include:

- loss of terrestrial habitat, including the ever-shrinking shrub-steppe, and dependent species
- water quality degradation associated with dams, including temperature, dissolved oxygen, dissolved gas and accumulation of toxic chemicals in sediments
- loss of recreational and hunting & fishing sites
- impacts associated with increased agricultural development, including use of toxic farm chemicals

It is also important that the EIS examine a complete range of alternatives to a dam building program, including:

- aggressive water conservation and efficiency programs
- use of pricing to control demand – in other words, requiring farmers to pay for the water they receive from the program
- using the program to support local farms and sustainable farming practices


The EIS must also focus on instream protection goals, and examine a full range of methods to improve flows in the Columbia River for water quality and salmon survival, including:

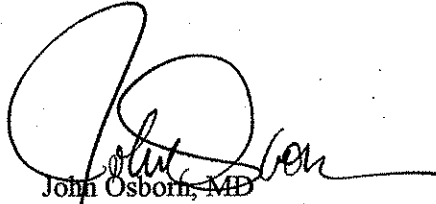
- use of water markets and trust water rights to improve instream flows
- matching public funding of the program to the public benefit received from the program
- enforcement against illegal use and waste of water
- protecting and enhancing tribal treaty rights to water and fish

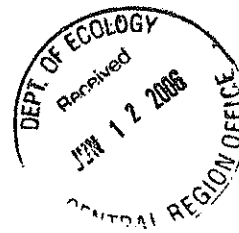
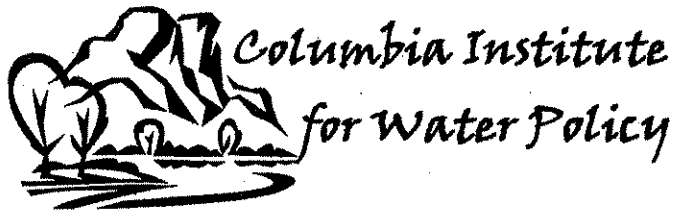
Sierra Club also endorses and joins in the scoping comments submitted to you by the Center for Environmental Law & Policy.

We look forward to the Department of Ecology's issuance of a scoping document that creates a strong foundation for a thorough examination of the policies and impacts of the Columbia water program.

Sincerely,

  
Beckett Stanley  
Conservation Chair  
Cascade Chapter

  
John Osborn, MD  
Conservation Chair  
Northern Rockies Chapter



June 5, 2006

Derek Sandison  
Department of Ecology  
15 West Yakima Ave. Suite 200  
Yakima, WA 98902-3452

Re: Scope of EIS for Columbia River Water Management Program

Dear Mr. Sandison:

Thank you for the opportunity to provide comments on the scoping effort for the Programmatic ("nonproject") Environmental Impact Statement (PEIS) for the Columbia River Water Management Program (CRWMP). It is the mission of the Columbia Institute for Water Policy to promote the equitable and sustainable use of the transboundary water resources of the Columbia watershed. These comments are directed toward "bigger picture" issues that arise from the CRWMP and its authorizing legislation, House Bill (HB) 2860.

#### **The NAS Report**

In 2004, in response to a request from the state of Washington, the National Academies of Science issued a report on water management in the Columbia River.<sup>1</sup> The report forwards several recommendations, two of which are particularly relevant to the PEIS effort:

- (1) The hydrology of the Columbia River has been dramatically altered by dams, and problems of low flows and high temperatures are adversely affecting salmon migrations. Therefore, new water rights, if any, must be flexible and conditioned for curtailment when stream flow is inadequate to meet the needs of migrating fish.
- (2) The waters of the Columbia are owned and managed by multiple jurisdictions. Decisions concerning new water rights should be considered with a view toward the entire basin, including system-wide equities.

While it appears that the legislative directives of HB 2860 have largely ignored the NAS recommendations, it is nonetheless possible for the Department of Ecology to consider and encompass information that speaks to the NAS study.

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<sup>1</sup> National Research Council, Managing the Columbia River: Instream Flows, Water Withdrawals, and Salmon Survival (National Academies Press 2004).

## **TRANSBOUNDARY ISSUES**

Unilateral efforts in the Columbia watershed are becoming obsolete. It is critical that efforts to inventory water supply and demand look beyond the state line and consider both water supply and water management in adjacent jurisdictions, including British Columbia, Idaho, and Oregon, as well as by the numerous Indian Tribes and First Nations that exercise management over Columbia basin waters.

The PEIS provides the opportunity to examine physical, political and economic relationships between the multiple jurisdictions as well as the impacts to Washington of alternative and potentially competing future water scenarios. These scenarios include, for example, changes in reservoir management at the major federal dams (throughout the system) as mandated by Endangered Species Act requirements, changes in the U.S.-Canada treaty on Columbia River water deliveries, and possible unilateral decisions by Idaho and Oregon to allocate water from the Snake or Columbia Rivers (akin to Washington's unilateral actions based on HB 2860). Future water availability could be radically different, depending on the actions of our neighbors. The PEIS is the appropriate document to guide the evaluation of differing scenarios that may affect water availability in the Columbia basin.

## **SUSTAINABILITY ISSUE**

- **The Soft Path for Water Management**

The "soft path" for water management focuses on demand management and innovative approaches to meet water needs. In this approach, the deliver of water is viewed as a service and not an end unto itself. Soft path water management includes a variety of practices including water efficiency programs (especially, in the agricultural setting, the use of drip and other micro-irrigation techniques), appropriate pricing (including the abolishment of subsidies), "green water" programs (see next section), re-allocation, re-use, etc.<sup>2</sup>

Soft path water management is founded on on "backcasting," i.e., defining sustainable and desirable future water scenarios and working backwards to the present, identifying programs and policies that are needed to achieve the goals. In this process it is critical to not overstate the baseline for future water needs.

The CRWMP PEIS represents an exceptional opportunity for the state of Washington to develop a soft path water program as an alternative to development of yet more expensive, subsidized water infrastructure. SEPA requirements for development of alternatives in the EIS process supports the approach of analyzing a demand-management program as an alternative for development new water supply in the Columbia basin.

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<sup>2</sup> Wolff, G. and P.H. Gleick, "The Soft Path for Water," in *The World's Water 2002-2003* (Island Press 2002).

- **Sustainable Agriculture**

Columbia basin irrigators enjoy substantial subsidies, economic and environmental, in the delivery of water to their farms (see "Subsidies" discussion, below). The Columbia River Water Management Program represents an opportunity to depart from a subsidy-based approach to water management, and instead promote and support sustainable agriculture. A "sustainable agriculture" alternative should be analyzed in the PEIS.

Environmentally sustainable agriculture includes practices that minimize or eliminate chemical use, protect habitat, and reduce water usage. Water sustainable practices include concepts such as "green water" credits that reward the use of water-conserving, ecological soil management practices, the use of drought-tolerant crop species, appropriate fallowing, etc.<sup>3</sup> A host of activities may be employed to improve irrigation water productivity, including technical, managerial, institutional and agronomic techniques that promote appropriate soil, plant and water management.<sup>4</sup>

By promoting sustainable agriculture and attendant water use practices, the CRWMP could potentially meet its goals of finding new water supplies and protecting instream flows, without spending hundreds of millions (and ultimately, billions) of dollars on new water infrastructure. Such a program would have added benefits as well, including reducing the release of toxic chemicals into water and air media, protecting wildlife and habitat, and supporting smaller-scale, locally-based agricultural operations. The PEIS should carefully examine the alternative of using CRWMP funding and policies to promote sustainable agriculture.

- **Ground-Surface Water Connectivity**

While HB 2860 defines the Columbia mainstem as surface waters and groundwater within 1 mile of the mainstem, in fact the Columbia River is fed by groundwater from throughout the Columbia Plateau. As the figure below illustrates, even the deep basalt aquifers are hydraulically connected to the River, a fact that is confirmed in the extensive Columbia regional aquifer system (RASA) studies conducted by USGS.<sup>5</sup>

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<sup>3</sup> See, e.g., Sustainable Agriculture Research & Education, Smart Water Use on Farm & Ranch (Feb. 2006) at <http://www.sare.org/publications/water.htm>.

<sup>4</sup> Postel, S., Pillar of Sand, Table 8-1 (Menu of Options for Improving Irrigation Water Productivity), p. 172 (W.W. Norton 1999).

<sup>5</sup> Figure from Vaccaro, J.J., Summary of Columbia plateau regional aquifer system analysis, Washington, Oregon & Idaho, Prof. Paper 1413-A, (USGS, 1999). See <http://water.usgs.gov/cgi/rasabiblio/?category=17&form=introduction> for a bibliography of the approximate three dozen papers published as part of this study.

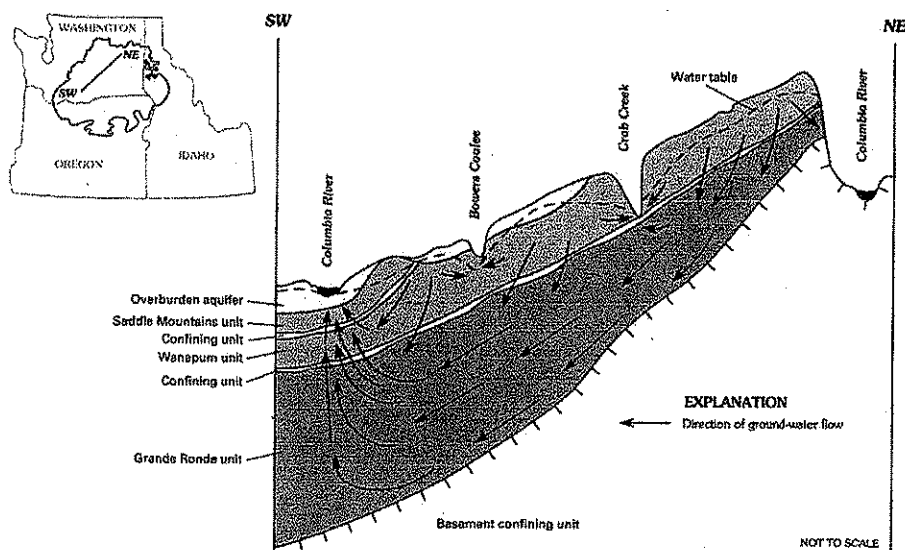


FIGURE 21.—Generalized ground-water-flow pattern in the Columbia Plateau aquifer system.

It is a requirement of state law and policy that the Department of Ecology fully consider the interrelationships of ground and surface waters when allocating and managing water resources. See RCW 90.54.020(9) (note mandatory language) and the 1998 "Capture Report."<sup>6</sup> To fully assess the environmental impacts of CRWMP activities, the PEIS must acknowledge and analyze the hydraulic connectivity of ground and surface waters throughout the Columbia basin.

#### • Storage Reservoir Water Quality Impacts

It is an unfortunate fact that the discharge of solar-heated water from reservoirs into river systems can significantly harm ecosystems and wildlife. Dam and reservoir systems in the Columbia basin have caused significant water quality degradation. These problems are abundant in the Columbia, one of the most heavily dammed watersheds in the world, and many reaches of the river are listed on Washington's "303(d) list" of impaired waterbodies for temperature and DO.<sup>7</sup> In addition, toxic sediments are building up behind most if not all of the dams within the Columbia system.

Solutions for these problems are not in sight. It is therefore something of a surprise that the state would embark upon a program to construct additional dams that are likely to exacerbate water quality problems. The assumption that "more flow is better," regardless of the source, is too simplistic and fails to address the fundamental harms that dams are causing within the Columbia ecosystem.

<sup>6</sup> Washington Dep't of Ecology, Report of the Technical Advisory Committee on the Capture of Surface Water by Wells: Recommended Technical Methods for Evaluating the Effects of Ground-Water Withdrawals on Surface Water Quantity (August 1998).

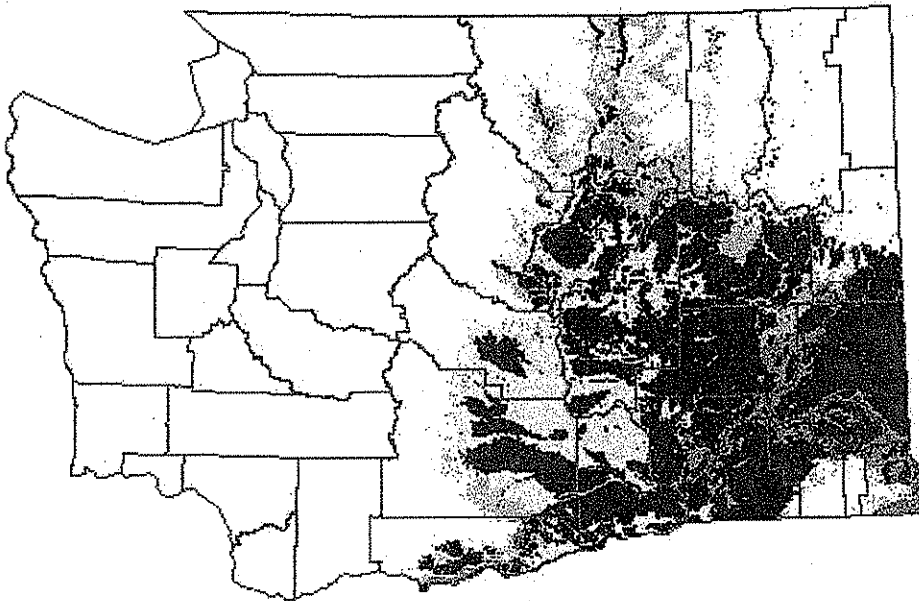
<sup>7</sup> Washington Dep't of Ecology, Water Quality Assessment (303(d) and 305(b) Report), 2002-2004, at <http://www.ecy.wa.gov/programs/wq/303d/2002/2002-index.html> (query Columbia River, Category 5).

The PEIS provides an opportunity to look watershed-wide at the water quality harms that dams are causing on the Columbia. As a part of its alternatives analysis, the PEIS should provide both baseline data regarding the water quality harms associated with water storage reservoirs and closely analyze the potential for additional water quality impairment, including cumulative effects, which new dams will bring. To the extent that CRWMP contemplates construction of dams and reservoirs in tributaries of the Columbia, similar analysis should be conducted for those sub-basins.

- **Storage Reservoir Terrestrial Impacts**

Water dam & reservoir systems proposed for off-mainstem sites will dramatically alter the terrestrial ecosystems where they are located. Where reservoirs are located, the terrestrial ecosystem will be destroyed. Where new irrigated farmland is developed, terrestrial ecosystems will also be altered and possibly destroyed.

In the Columbia basin, the once-predominant natural terrestrial shrub-steppe ecosystem has been substantially altered and destroyed due to irrigated agriculture.<sup>8</sup>



(The above map image shows the current extent of shrub-steppe lands in Washington (in light shades) along with lands converted to agriculture or development (blue).)<sup>9</sup>

Most of the dam sites analyzed in the December 2004 Storage Options report would be located in shrub-steppe areas. The PEIS provides an opportunity to analyze the basin-wide loss of shrub-steppe habitat and dependent species and examine how further destruction of this ecosystem type would affect species decline and extinction, loss of habitat connectivity, and other factors.

<sup>8</sup> WA Dep't of Fish & Wildlife, Status of Washington's Shrub-Steppe Ecosystem (August 1996).

<sup>9</sup> From Wooten, G., "Shrub-Steppe Conservation Prioritization in Washington State," (Kettle Range Conservation Group, @2002), <http://www.kettlerange.org/steppeweb/>.

For example, Washington DFW recently released a recovery plan for sage grouse, a state-endangered species (and candidate for ESA listing) that depends on shrub-steppe habitat. WDFW notes that "[m]ajor threats to the Washington population include . . . continued conversion of shrub steppe to cropland or development."<sup>10</sup> There are several other species of flora and fauna dependent on shrub-steppe (including pygmy rabbits and Ute's ladies tresses). A thorough review of the impacts of development of new water infrastructure and the development of new cropland is necessary and appropriate.

The PEIS should examine historical loss, economic and intangible values of the remaining intact ecosystems, and the benefits these areas provide for both wildlife and human recreational (i.e., hunting and fishing) and other non-consumptive users of the resource.

- **Columbia River Instream Flows**

HB 2860 offers the legislative judgment that the removal of water from the Columbia need only be mitigated during July and August. Unfortunately, this judgment is inconsistent with other scientific assessments of Columbia River instream flow needs, including in the NAS report cited above and, perhaps most importantly, recent federal court decisions invalidating ESA biological opinions for dams on the Columbia and Snake Rivers.<sup>11</sup>

The implementation of the CRWMP, at both state and federal levels, has implications under the Endangered Species Act. The PEIS should examine the potential environmental impacts associated with removing water from the Columbia without mitigation during the months outside July and August. The PEIS should also examine the policy implications and environmental and economic costs associated with violation of the Endangered Species Act by the state of Washington, as that appears to be what the state Legislature has directed.

The State of Washington should also revisit the Columbia River instream flows established in WAC Ch. 173-563. Most fisheries agencies have determined that these flows are inadequate. The PEIS should lay the groundwork for establishing new flows that reflect scientific understanding and sound principles for management of the river.

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<sup>10</sup> See, for example, WA Dep't of Fish & Wildlife, Final Sage Grouse Recovery Plan (May 2004), [http://wdfw.wa.gov/wlm/diversty/soc/recovery/sage\\_grouse/index.htm](http://wdfw.wa.gov/wlm/diversty/soc/recovery/sage_grouse/index.htm).

<sup>11</sup> National Wildlife Federation v. National Marine Fisheries Service, U.S. District Court No. CV-01-640-RE, Opinion and Order (May 26, 2005) and Opinion and Order (Dec. 29, 2005); American Rivers v. NOAA Fisheries, U.S. District Court No. CV-04-0061-RE, Opinion and Order (D. Ore., May 23, 2006).

## EQUITY ISSUES

### • Fish & Wildlife Equities

HB 2860 sets forth the twin goals of providing water for both off-stream and instream uses. The focus of the PEIS scoping notice, however, leans toward analysis of activities associated with off-stream agricultural water supply. In order to meet both the spirit and mandate of the statute, the PEIS should provide thorough discussion of how instream flows in the Columbia will be protected and restored. Equal emphasis on instream flow programs makes particular sense given the near-term instream flow problems, noted above, that are being litigated in federal court.

### • Watershed Equities

The Scoping Notice is ambiguous on this point, but it appears that the state is considering allowing water conservation savings in the watersheds to be transferred to and serve as mitigation to offset water use out of the mainstem of the Columbia. Using this approach, the tributary watersheds will subsidize mainstem irrigators.

The PEIS should thoroughly examine the policy, economics and general wisdom of allowing mainstem Columbia water users to utilize saved water from outside the mainstem. Most of the Columbia tributaries are closed to new appropriations and many of the watershed planning units in eastern Washington are themselves searching for mechanisms to meet demand within the watershed. Transfer of conserved water and/or trust water rights to the Columbia mainstem may deprive the tributary watersheds of the means to satisfy their own future water needs. This issue should be thoroughly discussed in the PEIS.

### • Water Subsidies

Current water management in the Columbia Basin Project represents a tremendous subsidy to farms that receive agricultural water from the project. These subsidies, as illustrated in the table below, are some of the largest in the United States.<sup>12</sup> Note that this table does not reflect environmental subsidies to water users.

**Figure 1      Estimated cost allocations for the Columbia Basin Project at 540,000 acres**

	Who Pays	Period	Yearly Cost (million 1990s \$)
Interest on capital debt for irrigation facilities, at 6%	Federal taxpayers	1960-2020	48.0
Repayment of capital debt for irrigation facilities			
Farmers share	Landowners	1970-2020	1.4
Regional share	BPA ratepayers	2010-2020	74.0

<sup>12</sup> See, e.g., Whittlesey, N.K., W.R. Butcher and M.E. Marts, "Water Project Subsidies; How They Develop and Grow," *Illahée*, Vol. 11, Nos. 1&2 (1995).

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Pumping costs and lost hydropower      BPA ratepayers      From 1970      98.0

From Whittlesey, N.K., W.R. Butcher and M.E. Marts, "Water Project Subsidies: How They Develop and Grow" (*Illahae*, Vol. 11, Nos. 1&2 (Spring-Summer 1995))

The delivery of water, not simply for free, but significantly below cost, creates artificial demand. As discussed above, it may be possible, through policies and practices that promote a soft path program and sustainable agriculture, to achieve significant water savings and supply at substantially lower cost than building new dams and reservoirs.

It is essential that the PEIS examine the relationship between subsidized water and demand. To date, the Columbia River Water Management Program represents yet another subsidy program, with \$16 million underwriting administrative activities and a \$200 million bond to be paid (principal and interest) by Washington taxpayers. Most parties agree that \$200 million would be but a down payment on any major dam building program.<sup>13</sup>

In particular, the PEIS should examine the alternative of using pricing mechanisms (ie, requiring irrigators to pay the costs of water delivered to the farm gate) as a demand management approach. Hard questions should be asked, including whether it is either appropriate or economically sensible to continue providing subsidies. If the state of Washington does not offer free/subsidized water to irrigators, what is the effect on demand?

As a related issue, it is critical that the benefits of irrigated agriculture not be overstated. Two recent studies of Columbia basin agricultural economics, one led by Daniel Huppert (UW 2004), and one conducted by Holland & Battracharjee (WSU 2005) have over-stated the economic benefits of irrigated agriculture, have been consistently misrepresented by third parties, or both.<sup>14</sup> The PEIS and subsequent analysis as part of the CRWMP will necessarily rely on economic analysis to determine directions (as this letter advocates). Such analysis must be credible.

- **Social Equities**

As the discussion of subsidies illustrates, substantial benefits of the Columbia Basin Project have been conferred on certain parties. However, equally significant detriments were and continue to be shouldered by Native American and First Nations peoples and tribes. A second problem of social equity is associated with the employment of immigrants as a labor source for farms in the Columbia basin, where wages are low and serve as a barrier to development of land tenure by immigrant populations. Access to water is an important part of socio-economic improvements in sectors of society where poverty is endemic.

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<sup>13</sup> See, for example, Columbia River Mainstem Storage Options, Washington at Table 1-3 (Pre-Appraisal Level Cost Estimates) (MWH, Dec. 2005).

<sup>14</sup> See, e.g., Griffin, R.C., Review of the Columbia River Initiative Cost-Benefit Analyses (American Rivers 2005); Williams, G.W. & O. Capps, "An Assessment of Future Markets for Crops Grown Along the Columbia River: Economic Implications of Increases in Production Resulting from New Agricultural Water Rights Under the Columbia River Initiative," (American Rivers 2005).

What social policies are intended by the CRWMP program? Is it Washington's goal to maintain and cement the status quo? Or could this program be used to cure some of this historic ills caused, wittingly or not, by past water policies?

The PEIS should examine the relative social and economic equities, harms and benefits associated with focusing the provision of water via the CRWMP program to differing categories of potential users. In the earlier era, water subsidies created by the Columbia Basin Project were justified by a national economic policy to promote small family farms during and after the Depression of the 1930s. These policies no longer obtain for the same classes of citizens who benefit from them. Yet it is the existing water users who are most likely to benefit again unless deliberate decisions are made to move the CRWMP program in other directions. The PEIS is the appropriate document to consider these questions.

## **PROJECT ISSUES**

- **Piece-Meal Approach**

At present, water development in the Columbia River basin feels like a three-ring circus. There are multiple projects, connected directly or indirectly, some included in the PEIS Scoping Notice, others not. Some of the projects (e.g., ECBID transfer of water to Odessa Sub-Area farms) are already underway. Others are being studied by the U.S. Bureau of Reclamation. For some it is not clear where the environmental analysis is or will be done. There is serious potential for piece-meal review of the environmental impacts associated with water development from the Columbia and it appears, in violation of SEPA requirements, that do environmental analysis may be conducted only after certain decisions are made. The PEIS, no later than the draft stage, identify and relate these various projects to each other and undertake to ensure that improper segmentation does not occur.

- **Potholes Alternative Feedroute**

The Scoping Notice identifies expansion of the Potholes feedroute. There is much confusion about this project. The Bureau of Reclamation has claimed that the current expansion is intended only to offset ECBID conservation savings elsewhere that have caused diminishment of return flow to Potholes. But feed route expansion will also serve expansion of the Columbia Basin Project into the "second half," should that occur. Which is it? Where is the complete environmental analysis being done?

- **Moses Coulee storage**

It appears that Moses Coulee is being targeted as a likely site for a water storage project. The Storage Options report cited above identifies Moses Coulee as the largest and cheapest storage site. Ecology has followed up with a \$198,000 watershed planning grant to Foster Creek Conservation Irrigation District to perform studies for storage projects in that area. This activity has arisen to the level of a "project action" and requires environmental analysis.

- **Odessa**

PEIS should examine the alternative of returning all or some of Odessa Sub-Area (OSA) irrigated farms to rain-fed/dryland agriculture, a common and successful

practice in the region. It is likely to be less expensive (perhaps much less) to assist farmers in transitioning to dryland cropping than to bring water to much of the OSA.

The PEIS should also take a hard look at the causes of water declines in the Odessa aquifers, including the longstanding problem of illegally constructed wells that are causing water to cascade from upper to lower aquifers.<sup>15</sup> If OSA farmers are unable or unwilling to bring their wells into compliance with state law governing well construction and waste, this raises questions about the necessity and propriety of providing expensive alternative water supply solutions to the area.

- **ECBID water transfers to Odessa**

Where is the environmental analysis for this project? To what extent have public monies funded the water conservation projects? To what extent is the public benefiting from this project? What is the basis for these policies and how are they consistent (or not) with HB 2860?

- **CSRIA Proposed VRA**

Voluntary Regional Agreements represent a potential new legal mechanism for allocating water resources in Washington. It is arguable, from the structure of the statute, that the Legislature intended to do away with the rules of prior appropriation in processing VRAs. This would be a dramatic change in water resource practices and a step forward that requires rulemaking based on thoughtful legal and policy guidance.

Ecology recently issued a statutory interpretation of this complex law in an FAQ.<sup>16</sup> Not only is this an inappropriate method for establishing agency policy, but the FAQ appears to misrepresent HB 2860's requirements for consultation and water rights. Most importantly, it jumps the gun. How can the agency fairly and properly develop policy and rulemaking on VRAs if it is issuing ad hoc Q&A papers even before the scoping period has closed? Public process and SEPA requirements are not served by this approach.

This leads to a second point. Ecology cannot fairly evaluate the VRA proposal submitted by the Columbia-Snake Irrigators Association (CSRIA) simultaneous with its development of general program policy on VRAs. VRA policy is less likely to be broadly based and neutral if it is associated with a proposal advocated by a water user. Instead, the agency is likely to gear its analysis toward the CSRIA proposal and miss the opportunity to think more openly and broadly about the opportunities for VRAs (including to promote sustainable agriculture and water use practices, as discussed above.)

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<sup>15</sup> Luzier, J.E. and R.J. Burt, Hydrology of Basalt Aquifers and Depletion of Ground Water in East-Central Washington, WA Dep't of Ecology Water Supply Bulletin No. 33, at pp. 2, 11, 16 (1974); Luzier, et al., Ground Water Survey, Odessa-Lind Area, Washington, WA Dep't of Water Resources Water Supply Bulletin No. 36 at p. 5 (nd).

<sup>16</sup> See "Frequently Asked Questions about the Columbia River Water Management Program" (WA DOE No. 06-11-014, May 2006).

As the scoping notice acknowledges, the CSRIA VRA will require its own SEPA process. That project-level analysis should follow, not accompany, program policy making on this topic. Moreover, the CSRIA VRA proposal is so lacking in detail that it is not appropriate for SEPA review at this time. Ecology should send it back and ask for information regarding the proposed mitigation (see also next section), public funding, the basis for the \$10/acre-foot payment proposal, etc. It is not possible to provide meaningful comment on this document in its current form.

- **Water Right/Use Mitigation**

Ecology has issued a number of water rights in the past decade based on mitigation to offset the depletion to aquifers and rivers caused by new use.<sup>17</sup> Water rights mitigation has been ad hoc, without guidance or standards, and in some cases extremely controversial. (The Battle Mountain Gold and CSRIA \$10/acre-foot proposals are examples).

The PEIS provides an opportunity for the agency to impose much-needed structure on the chaos of the mitigation program – action that would help ensure that new water users do not harm source waters or existing water right holders. This is especially important for development of VRA policies, VRAs apparently being based on the concept of mitigation. VRA proponents, and the public, are entitled to know what is acceptable and what is not in advance of proposal review.

Even the most basic guidance is lacking at this time, something the PEIS and rulemaking should address. At a minimum, the agency should establish basic rules for mitigation, along the lines of WAC 173-201A-450 (Water Quality Standards Offsets). However, it would serve the public and water users to identify in detail the types of mitigation practices that are acceptable and the level of protection that the public can expect for the Columbia River through implementation of mitigation rules in VRAs and other water right decisions.

- **Water Efficiency Practices**

As with VRAs and mitigation, it is time for water efficiency practices to be established via rulemaking and become binding and mandatory on all water users. Given the extraordinary expense of developing new water supply infrastructure, it is only rational to look to water conservation as the first option for obtaining “new” water supply. Consistent standards across the Columbia basin are necessary to provide a basis for analysis of proposal, to ensure equitable treatment of all parties, and to properly enforce against wasteful water use. The Department of Ecology’s recently adopted irrigation efficiency guidance is a good first step.<sup>18</sup> However, the guidance is not mandatory and does not establish a baseline for consistency in decision making.

The PEIS should set forth the foundation and analysis for establishing basin-wide conservation standards. The PEIS should also examine approaches and programs

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<sup>17</sup> See “Mitigation Measures Used in Water Right Permitting” (WA DOE, April 2003).

<sup>18</sup> WA Dep’t of Ecology, Determining Irrigation Efficiency and Consumptive Use, GUID-1210 (October 2005). Unfortunately, the guidance document does not fully describe the law of “reasonable efficiency” as set forth in Grimes v. Ecology, 121 Wn.2d 459 (1993).

that "push the envelope" in terms of mandating and providing incentives for aggressive and effective water conservation. In other words, rather than passively await proposals, the PEIS should incorporate a conservation alternative that projects maximum efficiency and water savings throughout the basin and proposes a path for the state to make that future happen.

- **Trust Water Rights**

HB 2860 establishes that water savings from conservation activities may be placed into trust water rights. That water should then become available to serve either of the twin goals of the statute, off-stream or instream purposes. Where water savings are obtained through public funding, the public should benefit accordingly. Providing private parties with water savings as a mitigation mechanism is not a public benefit.

The PEIS should clarify that saved water is available for both instream and out-of-stream uses and provide a basis for analyzing the relative economic and environmental benefits of each, including proper assignment to public and private sectors.

### **Conclusion**

Thank you for the opportunity to provide comments regarding the Columbia River Water Management Program. I would be happy to provide copies of any of the materials cited in this letter should they not be available in the Department of Ecology's files.

Yours very truly,



Rachael Paschal Osborn  
Executive Director

# **Columbia-Snake River Irrigators Association 2006 Water Policy Memorandum**

DATE: May 10, 2006

TO: Mr. Derek Sandison, CRO, WADOE  
cc: Mr. Jay Manning, Director, WADOE  
Mr. Gerry O'Keefe, Coordinator, Columbia River Water  
Management Program  
And Interested Parties

FROM: Darryll Olsen, Ph.D., CSRIA Board Representative

SUBJECT: CSRIA Initial Recommendations and Comments on:  
EIS Scoping for Columbia River Basin Water Management Program<sup>1</sup>  
(with attachments for hard-copy distribution)

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The following CSRIA recommendations and comments focus on the recent WADOE request for comments on scope of EIS (SEPA compliance) for the state's new Columbia River Water Management Program. The state is proposing to proceed with a programmatic environmental impact statement (EIS) to address SEPA compliance for actions under the new Columbia River water management legislation<sup>2</sup>

The CSRIA recommendations address the approach taken by the state to achieve SEPA compliance, including the need, context, and utility for preparing a new programmatic EIS; and how the programmatic EIS will affect a timely and efficient implementation of key features of the new legislation, and the (draft) proposed Voluntary Regional Agreement (VRA) submitted by CSRIA to WADOE.

*Reconsider your proposed SEPA compliance approach to better recalibrate the procedural and technical requirements of SEPA to the implementation of ESSHB-2860, and to streamline the SEPA compliance process.*

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<sup>1</sup> Determination of Significance and Request for Comments on Scope of EIS for Columbia River Basin Water Management Program, and Attachment A, Issues to be Addressed in EIS, May 5, 2006.

<sup>2</sup> ESSHB-2860, 2006 legislative session.

- The state has already issued a draft programmatic EIS on the Columbia River Mainstem Water Management Program<sup>3</sup>, and that document should serve as the foundation for the existing SEPA compliance process.
- Rather than issue a new Draft EIS, instead issue a Supplemental EIS to the previous draft, and succinctly focus the supplemental document on what are clearly "programmatic omissions or impacts" relative to the (new) content of ESSHB-2860. The existing programmatic EIS does adequately address, and provides full disclosure for, the primary programmatic impacts: new water withdrawals from the Columbia River system (this is clearly addressed within the existing draft programmatic EIS). A carefully, concisely scoped Supplemental EIS should be followed with an agency Record of Decision completing the SEPA review process in a timely manner.
- Recognize that your proposed programmatic EIS is dealing with "apples and oranges" relative to the types of "projects and programmatic actions" currently identified within the Determination of Significance and Attachment A, scoping documents: 1) the proposed EIS will be inadequate to address specific (large-scale) projects; and 2) it will be unnecessary to apply the programmatic EIS to other actions/projects that already receive SEPA compliance review.
- Specific, large-scale Projects identified within the scoping documents—such as changing Lake Roosevelt Reservoir elevations or developing alternative feed routes for Potholes Reservoir re-regulation—will, undoubtedly, require a full project EIS. Thus attempting to apply adequate SEPA compliance coverage via a programmatic EIS will be an inappropriate application of the programmatic EIS and direct resources/time away from preparation of the needed project EISs. Moreover, any cumulative impacts stemming from the joint projects can be addressed within specific project EISs, following conventional practices for EIS preparation.
- Conversely, activities such as issuing new water rights from the mainstem Columbia-Snake River system, including related mitigation actions, or implementing conservation measures, already receive SEPA compliance through an environmental (SEPA) checklist review, where almost all permit and conservation measure actions receive a determination of non-significance (DNS).
- Further, as it is explicitly acknowledged within ESSHB-2860 that full mitigation is required for the issuance of new water rights under the management program, it would be inappropriate to assume that the issuance of new water rights will lead to a significant adverse impact to the environment—the primary assumption already asserted by the DS notification.
- And finally, it is unclear why some administrative actions are even being considered for SEPA compliance and EIS review. For example: how conservation measures will be

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<sup>3</sup> WADOE-WDFW, DRAFT EIS, Columbia River Mainstem Water Management Program, Olympia, WA, December 2004, 04-11-031.

evaluated, how water use is measured, how the trust water rights program is managed, how WADOE will decide to sign a VRA, and several other items identified within the scoping document. These types of administrative/assessment actions are already allowed for and administered under RCW and WAC—why do they now require additional SEPA compliance review? Should WADOE also require an EIS for the preparation of a programmatic EIS?

*Do not delay the implementation of key features within ESSHB-2860, including the review of the Draft CSRIA and Ecology Voluntary Regional Agreement, during any programmatic EIS process—move expeditiously forward.*

- The CSRIA recommends that all critical path actions under ESSHB-2860 should be implemented, with or without a programmatic EIS process, so that new Columbia-Snake River system water rights are issued by July 1, 2007.
- The CSRIA specifically recommends that the ESSHB-2860 consultation process be immediately commenced for the Draft CSRIA and WADOE VRA; any concerns raised by the consulting agencies, tribes, and public can be addressed thereafter by WADOE as part of its Record of Decision for accepting the VRA (and including within any supplemental EIS or as part of the overall public involvement process for the implementation of the Columbia River Water Management Program).
- We are concerned that there appears to be some confusion within WADOE (or we are confused) regarding the need for the completion of the programmatic EIS process prior to initiating the CSRIA-WADOE VRA consultation. In a May 1, 2006, CRO-WADOE letter to existing water right applicants, it is implied that VRA consultations will not take place until after April 2007, the expected completion date for the programmatic EIS process.<sup>4</sup> The CSRIA does not support this approach, or perceive the legal justification to do so. Our discussions about this issue, with the WADOE SEPA coordinator, indicate that the VRA consultation process can proceed at any time, including during the preparation of a programmatic EIS.<sup>5</sup> At a minimum, we would suggest that the VRA consultation be adopted as part of the “public involvement process” related to ESSHB-2860 implementation, and move forward.
- Likewise, all technical review needs related to the implementation of ESSHB-2860 should be aggressively pursued, including the preparation of the conservation measure data base, and related cost-effectiveness analyses.

The WADOE's fundamental objective should be to achieve near-term, measurable success for implementing ESSHB-2860 by issuing new water rights by July 1, 2007.

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<sup>4</sup> See letter from G. Thomas Tebb, Section Manager, CRO-WADOE, to Kennewick Irrigation District, dated May 1, 2006. The letter appears to imply that the VRA consultation will not take place until after the programmatic EIS process is finalized.

<sup>5</sup> Our previous experience with programmatic EISs includes USACE programmatic EISs for the Columbia River hydro projects, where the project operations were not “shut down” while the EIS was being prepared. In turn, we suggest that WADOE move forward with all ESSHB-2860 operations.



## Columbia Basin Ground Water Management Area

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June 5, 2006



To: Derek Sandison  
Central Region Director  
Department of Ecology  
15 West Yakima Avenue, Suite 20  
Yakima, WA 98902-3452

From: The Columbia Basin Ground Water Management Area Lead Agency:  
Adams County Board of Commissioners  
Franklin County Board of Commissioners  
Grant County Board of Commissioners  
Lincoln County Board of Commissioners

Re: Comments on the Columbia River Management Plan

Our four counties represent 170,000 people and 8,128 square miles, making us slightly larger than New Jersey. With over 4.0 million farm acres, our combined agricultural economy generates \$1.6 billion annually, equating to about 30% of the states total agricultural production. We place considerable value on the region's water resources and readily acknowledge that the economic health and survival of the Columbia Basin is dependent on the wise management of this precious resource. As the Lead Agency for the Columbia Basin Ground Water Management Area, we respectfully submit these comments on the Columbia River Management Plan, passed by the legislature as ESSHB 2860

### 1. Irrigation scheduling is the most significant potential source of 'on farm' water conservation in the Columbia Basin

Irrigation scheduling (IWM) provides growers with soil moisture data to improve water management. Data from over 7,500 fields in the Columbia Basin demonstrate that IWM conserves, on average, 17.3 % of water use and energy consumption. The reduced water in the soil profile keeps nitrates in the plant root zone, improving nutrient uptake and decreasing the potential for ground water contamination

If all 928,000 irrigated acres within the four counties of the GWMA were to apply IWM, a total of 423,000 acre feet of water would be saved. Only 319,407 acre feet originate from the 680,450 acres within the Columbia Basin Project.

To put the potential water savings into perspective, IWM applied on 200,000 acres in the Columbia Basin conserves about the same amount of water that is used annually in the City of Seattle. In recent years, the IWM program has received requests from 350,000 and 400,000 acres annually, but funding constraints have limited program participation to less than one-third of the applying acres. Additional programs with NRCS and others, administered by GWMA, combined with private funding have boosted IWM to an estimated 350,000 acres annually. With the loss of funding sources we expect this total acreage to drop to less than half that amount.

With little incentive for conservation under current water and power rate charges, the Columbia Basin GWMA has been very successful in using a subsidy incentive to encourage farmers to apply IWM

**2. Irrigation scheduling does not qualify for conservation funds under the definitions and rules in the Columbia River Management Plan**

The bill requires development of a *Columbia River water supply inventory* of potential conservation projects. Irrigation scheduling was initially included in early bill drafts and discussions. However, we believe the final language does not allow irrigation scheduling to qualify as a conservation practice within the definition required to administer the \$68 million assigned to conservation practices. We feel an important opportunity to conserve significant amounts of water and power and improve ground water quality in the Columbia Basin may have been lost with the exclusion of this effective conservation practice.

The bill allocates \$68 million for Conservation projects over the next decade. **We believe this account should be allowed to fund irrigation scheduling in the Columbia Basin**, the most effective practice to conserve significant amounts of on farm water and power use

**3. Lincoln County stratigraphy research is critical to improving knowledge of ground water conditions in the Columbia Basin**

One component of the Columbia Basin GWMA's mission is the characterization of ground water resources. Previous aquifer stratigraphy work by the GWMA identified basalt, sediment and aquifer layers in Adams, Franklin and Grant counties. With the addition of Lincoln County to the Columbia Basin GWMA, we have proposed extending this detailed mapping data into Lincoln County, adding a critical link to the existing body of stratigraphy work in the Columbia Basin.

The Columbia Basin GWMA initiated a federal earmark application for FY 2007 that contains \$250,000 funding for stratigraphy work that compliments a separate \$400,000 funding request from Lincoln County.

The Bureau of Reclamation has initiated the Odessa Ground Water Management Sub Area Study to address specific concerns of the irrigation districts and the Bureau with regard to the Columbia Basin Project. Recent discussions with Bureau scientists suggest the Lincoln County stratigraphy work would be a critical component of the Bureau's aquifer model.

We encourage the state to fund the proposed Lincoln County aquifer mapping stratigraphy projects in order to generate the necessary ground water data and information to improve our understanding of how, why and where this complex aquifer system works

**4. We support short term solutions that can relieve pressure on the Odessa Sub-area**

We support realistic short term attempts to relieve aquifer withdrawals during the next several years while plans are developed to replace groundwater withdrawal supplies with river water supply. Suggested programs such as the CREP program, BPA power buy back options, IWM within the Odessa Sub Area and other such suggestions would likely extend the aquifer resource while planning phases are completed.

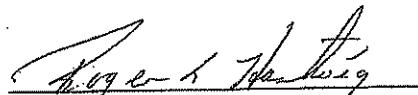
**5. We support building an Alternative Feed Route for the Columbia Basin Project**

The Bureau of Reclamation recently announced a study to find new ways to utilize the existing infrastructure and topography to feed the Potholes Reservoir. This is required to allow the East Low Canal the capacity to service additional acres and will benefit Moses Lake by flushing it with clean water.

We believe a rigorous evaluation of a hydro-electric generating facility established at Billy Clapp Reservoir on Pinto Dam should be a part of the Alternative feed route project.

**Summary**

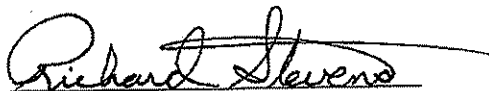
State government should value the application of 'on farm' technology and practices that reduce ground water contamination and conserve water and energy. Our communities, farms, business and industry, and all water users in our four counties are attempting to comply with federal and state water quality requirements and expectations. Supporting our recommendations to the Columbia River Management Plan will improve our ability to meet these challenges and address critical ground water issues in the Columbia Basin



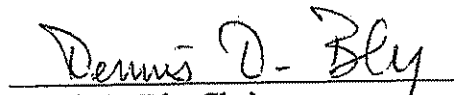
Roger Hartwig, Vice Chair  
Adams County Board of Commissioners



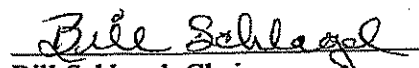
Neva Corkrum, Chair  
Franklin County Board of Commissioners



Richard Stevens, Chair  
Grant County Board of Commissioners



Dennis D. Bly, Chair  
Lincoln County Board of Commissioners



Bill Schlager, Chair  
Columbia Basin Ground Water Management Area



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June 5, 2006

Derek Sandison  
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Re: Comments on the Columbia River Management Project

Dear Mr. Sandison,

Thank you for the opportunity to comment on the scope of the State Environmental Policy Act ("SEPA") non-project (programmatic) Environmental Impact Statement ("EIS") for the Columbia River Basin Water Management Program ("Management Program").

The Washington State Potato Commission ("WSPC") is a quasi-state agency dedicated to protecting the interests of potato growers in Washington State. The WSPC membership includes approximately 350 potato growers throughout Washington. Potato growers in Washington operate on an estimated 165,000 acres of farm land, primarily located in three growing regions: the Skagit Valley, Yakima Valley and the Columbia Basin. Washington State ranks second in the nation in potato production, and potatoes alternate with wheat as Washington's second largest agricultural crop. Thousands of jobs in Washington rely on potato planting, harvesting, packing, processing and transportation. In fact, economists estimate the annual economic impact of Washington potato production, packing and processing at approximately \$3 billion, making potatoes one of the most important value-added agricultural commodities in the state.

Many communities and businesses in Washington depend on potato growers as customers for goods and services, employers, taxpayers, and suppliers of raw materials for the food processing industry. The stability and health of the agricultural community is important as agriculture is a major source of employment for Washington workers. In Eastern Washington and Eastern Oregon, where much of the potato production takes place, the total regional employment for 1996 was 31,300 jobs and the 1996 total regional output was \$23,635,000. Allowing that some of the indirect and influenced jobs are outside of the region, it appears that 8 percent, or roughly one out of ten jobs in the region stems from potato production. Using the same calculation for

sales, roughly 12 percent of all sales in the region stem from potato production.<sup>1</sup> The employment provided by agriculture is extremely significant during a time when Washington and Oregon routinely rank in the highest states in the nation in relative unemployment.

As water users in the Columbia River Basin, WSPC and its members have a direct interest in the Washington State Department of Ecology's ("Ecology") programmatic EIS and the Management Program. Water rights are an especially important issue for potato farmers because virtually the entire crop is irrigated. In 1998, the USDA Farm and Ranch Irrigation Survey identified 322 potato farms in Washington irrigating 149,721 acres.<sup>2</sup> The decision regarding water diversions in the Columbia River Basin will have a significant impact on agriculture. Water diverted for agriculture is the largest off-stream water use in the Columbia system—over 6.5 million acres or 37 percent of total cropland in the area is irrigated. Over 93 percent of daily water use in the Columbia River Basin (105,301 acre-feet per day) is for agriculture.

Ecology must understand that any policy shift in Washington's water law will have far reaching consequences on the state's economy, as well as its ecology. The changes proposed as part of the Management Program could place an increased strain on all of Washington's farmers at a time of historically narrow profit margins. The economic health of the farming community is directly tied to the economic health of the state, as the value of agricultural output—as well as the employment of seasonal and permanent farm workers—is critical to Washington's rural counties. As such, great precaution should be taken before putting into place a Management Program which will have a significant impact on the Columbia River Basin, and by extension, the entire state.

The WSPC is pleased that Ecology has provided an opportunity to comment on the scope of the EIS for the Management Program, however, we continue to have misgivings about aspects of the Management Program and would require Ecology to spend additional time and resources in the EIS focusing on certain issues. An overview of our concerns is detailed below; we would welcome the opportunity to discuss them with you in greater detail.

- 1. Ecology must carefully review the economic impact of the Management Program, including a detailed review of the impact the Management Program will have on farmers who rely on irrigation, and the businesses which rely on those farmers.**

In Eastern Washington, where much of the potato production takes place, roughly 8 percent (or one out of every ten jobs) in the region stem from potato production. The employment provided by agriculture is extremely significant in a time when Washington routinely ranks as among the

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<sup>1</sup> DAVID HOLLAND & JUN HO YEO, THE ECONOMIC IMPACT OF POTATOES ON THE WASHINGTON ECONOMY 26-27 (2001).

<sup>2</sup> U.S. DEPARTMENT OF AGRICULTURE, NATIONAL AGRICULTURAL STATISTICS SERVICE & WASHINGTON AGRICULTURAL STATISTICS SERVICE, WASHINGTON AGRICULTURAL STATISTICS 2003, 5 (2003), available at <http://www.nass.usda.gov/wa/annual03/annual03.pdf>.



State of Washington

**Department of Fish and Wildlife**

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Main Office Location: Natural Resources Building • 1111 Washington St. SE • Olympia, WA

June 5, 2006

Derek Sandison  
Department of Ecology  
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RE: Comments on Scoping for Columbia River Basin Water Management Program

Dear Mr. Sandison,

Washington Department of Fish and Wildlife (WDFW) commends Ecology for its work leading to 2006 legislation and its implementation as the Columbia River Basin Water Management Program. WDFW has been partnering with Ecology throughout this process and believes the Program appropriately balances water for fish and water for people.

I wish to convey WDFW goals for fish and wildlife as we move through implementation of the Columbia River Basin Water Management Program. WDFW Agency Policy 5202 (Requiring Or Recommending Mitigation) "applies to all habitat protection assignments where the Washington Department of Fish and Wildlife is issuing or commenting on environmental protection permits [or] documents...". This policy provides guidance to agency staff, as follows:

1. **Goal is to achieve no loss of habitat functions and values.**

*The goal of WDFW is to maintain the functions and values of fish and wildlife habitat in the state. We strive to protect the productive capacity and opportunities reasonably expected of a site in the future. In the long-term, WDFW shall seek a net gain in productive capacity of habitat through restoration, creation, and enhancement.*

*Mitigation credits and debits shall be based on a scientifically valid measure of habitat function, value, and area. Ratios shall be greater than 1:1 to compensate for temporal losses, uncertainty of performance, and differences in functions and values.*

2. **WDFW uses the following definition of mitigation; avoiding impacts is the highest mitigation priority.**

*"Mitigation" means actions that shall be required or recommended to avoid*

*or compensate for impacts to fish, wildlife, or habitat from the proposed project activity. The type(s) of mitigation required shall be considered and implemented, where feasible, in the following sequential order of preference:*

- A. Avoiding the impact altogether by not taking a certain action or parts of an action.
- B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- D. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- E. Compensating for the impact by replacing or providing substitute resources or environments.
- F. Monitoring the impact and taking appropriate corrective measures to achieve the identified goal.

In addition, DFW policy 5204 (Managing Instream Flows And Water Projects) states that *"WDFW Will, As Appropriate, Request or Require Monitoring by Project Proponents For Hydroelectric Projects Licensed by FERC, or for Other Major Water Projects."* This means that, in addition to other actions required in conjunction with the issuance of new permits, WDFW would request that stream flow be monitored to ensure instream flows are sufficiently met under the new Program.

#### Questions to consider for scoping

With this in mind, please consider and address the following topics, concepts, and questions in your Columbia River Basin Water Management Program Environmental Impact Statement:

#### **Instream Flow**

With respect to the issuance of any new water rights, or conversions of interruptible to non-interruptible rights, our goal is to ensure flow functions remain unchanged, or even enhanced.

1. In the EIS, please evaluate how Ecology will ensure "no net loss" of instream flow during July and August.
2. Please address how Program implementation will affect instream flows during other months of the year, and how those effects can be mitigated.
3. Also in areas affected by "new" water rights, please discuss how adequacy of instream flows will be monitored and evaluated. What contingency actions are planned if impacts to instream flow are detected? Implementation options should

include monitoring and evaluation of instream flow in river reaches affected by "new" permits.

#### **Mitigation Costs for Storage Projects**

4. With respect to storage projects, WDFW reiterates our expectation that full mitigation for inundated lands and other fish and wildlife resource impacts be considered up front as part of total project costs. This concept is represented in Bureau of Reclamation's project screening criteria, however I wish to stress the importance, as a matter of good public policy, of including estimates for mitigation costs within the total project cost picture. This provides decisionmakers with a complete up-front picture of the costs of the project, and avoids viewing mitigation costs as add-ons or penalties.

#### **Conversions**

5. There is an underlying assumption that no new conversions to agricultural lands from native vegetation will take place as a result of the Program. Please address the potential for land use conversions from native vegetation to new agricultural uses throughout the project area.
6. Likewise, please evaluate the potential for water to change from agricultural use (primarily in summer months) to municipal use (year-round) and in what quantities. Please address the differential costs and benefits to fish and wildlife from such a transfer, including seasonality of withdrawal and potential for return flows.

#### **Anadromous Fish**

While off-channel storage has the potential to augment flows to benefit fish, care must be exercised to ensure that water stored for salmonids be of sufficient quality, temperature, and quantity, and that it can be managed without limitation. Also, large off-channel water storage projects located on tributaries provide increased risk to salmonids. Because releases of stored water are likely to comprise a significant proportion of tributary flow, those releases, if warm, would consequently elevate stream temperatures. False attraction of upper Columbia River salmonids may also result when relatively large flows of stored Columbia River water are discharged to a tributary stream. Finally, spill at dams has been demonstrated to provide real and measurable fish benefits. The ability to use water allocated for instream flow uses for spill rather than power generation is essential to Program success.

7. Please evaluate water discharge alternatives and other ways to ensure discharged water is the appropriate temperature to maintain instream conditions and meet fish needs.
8. When evaluating alternatives, dispensation of water allocated for fish, whether from new storage or trust, must include the opportunity for additional spill at the hydropower dams. Please evaluate the likelihood that those flows will be used to enhance spill rather than for hydropower generation. Clearly, this ties in with your

already-planned evaluation of the linkages between this Program and ongoing BiOp development for the Federal Columbia River Power System.

### **Fish and Wildlife Populations and Habitats**

Inundation, altered pool elevations on existing reservoirs, changed elevation fluctuation frequency and timing, modifications to existing water delivery and evacuation systems, changes in water quality and flow volumes, and land use conversions have the potential to profoundly affect many fish and wildlife species and their habitats. Some of these species are common, and form the basis for fish and wildlife related recreation in the Basin, while others are rare and their continued existence may be at risk from changes brought about by the Program.

Loss of shrub-steppe habitat is a primary concern to WDFW. Many animal species that have been listed as "species of concern," "candidate for listing," state threatened or endangered, and federal threatened or endangered are dependent upon this dwindling habitat. In addition, many of Washington's more popular game and watchable wildlife species depend upon large contiguous blocks of shrub-steppe habitat.

WDFW's goal is to maintain and enhance the functions and values of fish and wildlife habitat in the state.

9. Here, I must state the obvious: Please ensure that evaluations of action alternatives of the Program consider the full range of fish and wildlife species affected, identify all impacts to those species, review opportunities to avoid impacts, and identify alternatives for mitigation.
10. Similarly, The EIS should inventory and map all habitat types in the Basin, identify the extent to which the Program will affect each type, and show alternatives and costs for how these impacts can be avoided or fully mitigated.
11. When considering terrestrial wildlife habitats, please emphasize evaluation of impacts to shrub-steppe.
12. Special attention should be paid to sage-grouse, pygmy rabbit, jackrabbit, sharp-tailed grouse, ferruginous hawk, mule deer, Rocky Mountain elk, and bighorn sheep populations (among others) that are dependent upon shrub-steppe habitat.
13. Please emphasize evaluations of the effects of changes in characteristics of wetlands on waterfowl and shorebird nesting and rearing.
14. Please assess the extent to which changes in water quality, flows, pool elevations, and other habitat attributes of Roosevelt Lake, Banks Lake, Billy Clapp Lake, Moses Lake, and Potholes Reservoir will affect production of resident fish species, including bass, walleye, and other spiny ray fish species, as well as kokanee and trout.
15. Please address the likelihood and extent to which the extremely complex wetland habitats and potholes between Moses Lake and Potholes Reservoir, and elsewhere, would be lost or converted to open water.

16. Plans and estimated costs for effectiveness monitoring, evaluation, and adaptive management should accompany every mitigation alternative.

### **Recreational Opportunity**

Much of the wetland, lacustrine, and riparian habitats, and fish and wildlife benefits and associated outdoor recreation, have long been considered among the primary public benefits and justifications for the Columbia Basin Project. The entire Columbia Basin supports significant fishing opportunities for native resident fish as well as for warm water spiny ray fish species. Wetlands and upland habitats provide significant hunting opportunities for waterfowl and upland birds and game animals.

Changes in animal habitats could significantly impact hunting and resident fishing opportunities. Drawdown of pool elevations in Roosevelt Lake could adversely affect boating and water related recreation as well as use of private resorts and public campgrounds. On the other hand, fishing for anadromous species will be enhanced as their populations improve through implementation of the Program. Clearly, alternatives within the Program have potential for major effects on fish and wildlife associated outdoor recreation.

While the economic review developed by the University of Washington highlighted the relationship between water use and economic productivity in Eastern Washington, it did not assess economic impacts to the region through changes to fish and wildlife populations and associated recreational opportunity.

17. Each EIS alternative should identify the extent to which existing hunting, fishing and wildlife watching benefits are affected and evaluate economic impacts.
18. Alternatives for avoiding impacts on fish and wildlife-related recreation, along with suitable mitigation opportunities, should be identified.
19. It is important to solicit comments from hunters, fishers, boaters, wildlife viewing recreationalists and recreational organizations so their views can be incorporated into the environmental review process.

Thank you for the opportunity to comment at this important stage of the Program. WDFW pledges its continued commitment to work collaboratively with Ecology as implementation of the Columbia River Basin Water Management Program unfolds.

Sincerely,



Teresa Scott  
Natural Resource Policy Coordinator  
Columbia River Policy Group



**WASHINGTON  
ENVIRONMENTAL  
COUNCIL**

PROTECTING OUR LAND, AIR AND WATER

BRINGING RIVERS TO LIFE



*American Rivers*  
FOUNDED 1972

June 5, 2006

Derek Sandison  
Department of Ecology  
15 West Yakima Ave., Suite 200  
Yakima, WA 98902-3452

RE: Columbia River Management Program EIS Scoping Comments

Dear Mr. Sandison:

American Rivers and the Washington Environmental Council appreciate the opportunity to comment on the programmatic Environmental Impact Statement ("EIS") that the Department of Ecology is preparing for its Columbia River Management Program ("Columbia Program").

As you know, our organizations were key participants in the negotiations that culminated in the passage of a new law, ESSHB 2860, which is the primary focus of this EIS. In addition, American Rivers and the Washington Environmental Council have a long history of working to protect and restore the riverine ecosystems of Washington State, including the Columbia and lower Snake Rivers. We look forward to working with Ecology and other interests to improve water management along the Columbia and lower Snake rivers in a manner that provides sufficient instream flow to support healthy fish and wildlife populations and meet water quality standards, while providing water for out-of-stream uses consistent with the public interest.

We appreciate Ecology's identification of many important issues that should be addressed in the EIS, as set forth in Attachment A to the Determination of Significance. Our comments focus on several topics that were not identified in Attachment A. A complete analysis of these issues in the programmatic EIS is essential to informed decision-making.

- Assessing the public interest served by expanding the water supply for out-of-stream consumptive use, and the amount of water necessary to meet the public interest

For large public investments to secure new water supplies to be in the public interest, they must provide a demonstrable benefit that justifies the expenditure of public funds. Demand for irrigation water has been identified as the major future demand on mainstem Columbia water, but recent, unrefuted economic analysis indicates that expanding

irrigated acreage along the Columbia would be economically harmful to Washington State growers as a whole because it would depress prices. See *An Assessment of Future Markets for Crops Grown Along the Columbia River: Economic implications of increases in production resulting from new agricultural water rights under the Columbia River Initiative*, Texas Agribusiness Market Research Center Report, September 2005.

If this is true, it would not be in the public interest to develop new storage for the purpose of expanding irrigated agriculture. As noted in the above-referenced report, Ecology should look at the impact of increasing the supply of irrigation water from the standpoint of all growers in the State, not just those who would gain access to more water.

- Analysis of socio-economic and agricultural commodity market trends in affected area

The economy of communities along the Columbia mainstem is undergoing dramatic change. Current and long-term trends show contraction within the agricultural sector due in large part to market forces, including international competition. Growth sectors include retail, tourism, and services. All indicators point to a continuation -- if not acceleration -- of those trends. Understanding these economic and demographic trends is essential to smart long-term water planning, including the size of the water supply projects needed. Water supply should be developed to meet likely future needs that serve the public interest.

- Evaluation of adequate range of alternatives for meeting established instream and out-of-stream needs

Section 2(2)(a) of ESSHB 2860 authorizes expenditures from the water supply development account to "assess, plan, and develop new storage, improve or alter operations of existing storage facilities, implement conservation projects, or any other actions designed to provide access to new water supplies within the Columbia River basin." In addition, Section 2(3)(a)(iv) requires that, prior to constructing new storage facilities, Ecology must evaluate "[a]lternative means of supplying water" to serve the uses that a proposed storage facility is intended to serve.

These provisions highlight the need for the programmatic EIS to evaluate a range of water supply alternatives available for meeting consumptive use demand and instream flow protection. Those alternatives should include water acquisition notwithstanding the unavailability of money from the water supply account for acquisition. They should also include programs that reduce irrigation, such as Farm Bill conservation programs. Alternatives that would have instream flow benefits in important tributary reaches and the mainstem should be given a hard look. Assessing a complete range of water supply tools at the Basin scale would help inform the selection of alternatives for project-specific EISs and streamline the analysis of those alternatives.

- Analysis of potential impact of storing water on the ecological functions performed by high flows, the Columbia River plume, and federal target flows for ESA-listed salmon and steelhead

River flow must be reduced at specific times of the year in order to store water. Thus, for storage to make sense, there must be sufficient water that can be captured without impairing water quality and fish and wildlife habitat. It is often assumed that conditions during high-flow times of the year (e.g., winter) will enable water to be stored without significant impacts. That assumption may not be accurate, however.

High flows are necessary to maintain river health because they recruit gravel and wood, flush fine sediment, and prevent vegetation encroachment into the river channel. These functions are particularly important in the free-flowing Hanford Reach, which is a functioning riverine ecosystem. In addition, high Columbia River flows are important to the plume in the Columbia River estuary during spring runoff, and recent research has revealed the importance of the plume to salmon and steelhead as well as other biota. Finally, the National Marine Fisheries Service has established flow targets for the spring and summer salmon and steelhead migration period. Water should not be stored when doing so would hinder efforts to meet the federal flow targets.

Accordingly, the programmatic EIS should analyze Columbia mainstem flow to determine whether there are times of the year when flow is adequate to allow for storage, and if so, the quantity of water that could be stored without causing ecological harm. The analysis should account for years of high, average and low precipitation.

- Interpretation of “no negative impact on mainstem instream flow” with respect to voluntary regional agreements

This is an important issue that requires clarification. The intent of the bill negotiators was to ensure that new water supply would not further diminish instream flow in the mainstem Columbia and Snake rivers during times of the year when flows are inadequate to protect salmon and steelhead, and the term should be interpreted in a manner that effectuates that intent. Accordingly, American Rivers and the Washington Environmental Council strongly urge Ecology to interpret this term to mean that there cannot be any diminution of flow below the point of diversion for new water rights issued for out-of-stream use pursuant to voluntary regional agreements.

In previous conversations, Ecology staff had indicated that it might be permissible to allow mitigation water for lower Snake River water withdrawals below Ice Harbor to be added in McNary pool on the mainstem Columbia because the McNary pool backs up to Ice Harbor dam. As we have pointed out and the Washington Department of Fish and Wildlife has confirmed, this is not an acceptable form of mitigation because adding water to McNary pool actually increases pool elevation and slows velocity in the lower Snake. For this reason the mitigation water must be added at or above the point of diversion.

It also bears mention that the "no negative impact" standard applies to the lower Snake River during the months of April through August under Section 4(2)(b) of the new statute. This fact was apparently overlooked in the Determination of Significance, which discusses only the Columbia.

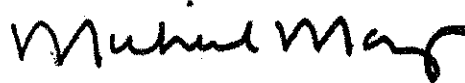
American Rivers and the Washington Environmental Council also wish to briefly comment on the proposal by the Bureau of Reclamation to provide an alternative feed route to the Potholes reservoir through Crab Creek, which is an early activity associated with the Columbia Program identified in the Determination of Significance. We want to make sure that the EIS addresses the ecological impact to Crab Creek and its fish and wildlife resources. In particular, Crab Creek supports a healthy trout population that draws anglers from across the state. Many in the angling community have expressed concern about this proposal, and the EIS should fully analyze any potential impacts.

Thank you for considering our comments, and we look forward to working with Ecology and other interested parties to ensure that the Columbia Water Program is successful.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Masonis", with a long horizontal flourish extending to the right.

Robert J. Masonis  
Senior Director  
American Rivers

A handwritten signature in black ink, appearing to read "Michael Mayer", with a long horizontal flourish extending to the right.

Michael Mayer  
Legal Director  
Washington Environmental Council



**Association of Washington Business**

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Washington state's  
chamber of commerce

VIA E-MAIL and REGULAR MAIL

June 1, 2005

Derek Sandison  
Department of Ecology  
15 West Yakima Ave., Suite 200  
Yakima, WA 98902-3452

Re: *AWB comments regarding scope of EIS for Columbia River Basin Water  
Management Program*

Dear Mr. Sandison:

The Association of Washington Business (AWB) appreciates the opportunity to respond to the Department of Ecology's (DOE) request for comments on the Determination of Significance Request and Scope of EIS for the Columbia Basin Water Management Program. We also appreciate the series of regional stakeholder meetings recently held in eastern Washington and your meeting with Chris McCabe of our staff on May 22<sup>nd</sup> in Moses Lake.

AWB is comprised of over 5,600 small, medium and large businesses in Washington state including farmers, orchardists, irrigation associations and districts and private landowners. We hereby submit the following comments for your review.

As you know, the passage of ESSHB 2860 represents a significant milestone in water policy in Washington state. A variety of stakeholders, including the governor and DOE, the Legislature and the business and environmental communities, came together in a historic agreement that provides additional water from the Columbia River for both in and out-of-stream uses. We strongly encourage DOE to maintain the momentum and trust that was built during the negotiations of ESSHB 2860 and to not slow the process during its implementation. We view this new law as a good starting point for the people of this state and encourage DOE to build on the above mentioned momentum and trust.

In December of 2004 DOE issued a draft Programmatic EIS on the Columbia River Mainstem Water Management Program. In the spirit of maintaining the political momentum behind ESSHB 2860, we believe that document should be use as the basis for the existing SEPA compliance process, rather drafting an entirely new EIS. Instead, we believe the state should complete a

Supplemental EIS to the December 2004 EIS that pertains to the specific omissions or impact relative to ESSHB 2860. The existing programmatic EIS adequately addresses and provides full disclosure for the primary impact of new water withdrawals from the Columbia River.

In addition, AWB urges DOE to promptly proceed with the implementation of one of the major components of ESSHB 2860: new water storage facilities. We believe a majority of the water provided by ESSHB 2860 for out-of-stream uses will come from newly constructed storage facilities. All new storage facilities will require individual SEPA/EIS study and review. Therefore, we urge DOE to fast track the storage provision of ESSHB 2860 and aggressively proceed with necessary studies and reviews so that storage facility sites may be identified and construction may begin in the next few years. This will provide long-term water storage and use to the people in central and eastern Washington.

Additionally, we urge DOE to promptly proceed with the consultation process for voluntary regional agreements provided by ESSHB 2680 to provide immediate relief to our members that will directly benefit from that process.

Thank you again for the opportunity to provide written comments on this important subject. Please do not hesitate to contact us with additional questions or information.

Sincerely,



Gary Chandler  
Vice President of Governmental Affairs  
Association of Washington Business

Cc: Jay Manning, Director WADOE  
Gerry O'Keefe, Coordinator, WADOE Columbia River Water Management Program



# **Board of County Commissioners BENTON COUNTY**

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Leo Bowman  
District 1  
Max Benitz, Jr.  
District 2  
Claude Oliver  
District 3

May 23, 2006

Mr. Derek Sandison, Central Regional Director  
Department of Ecology  
15 West Yakima Ave. Suite 200  
Yakima, WA 98902

Re: Columbia River Water Management Program

The Board of Benton County Commissioners has addressed the issues in the EIS for Columbia River Basin Water Management Program. Below are question we would like to submit either for clarification or direct answers with regard to HB2860 and ESSHB2860.

## **1. Voluntary Regional Agreement:**

- a. Will we have clear and definitive parameters (rules and/or criteria) of what constitutes a Voluntary Regional Agreement?
- b. Is it as described in the RCW (Title 90) to meet the four (4) part test for water rights, in that water is available, water withdrawals are in the public interest and water withdrawals with not create impairment?
- c. What exactly is the terms and conditions of this agreement?
- d. Will it be necessary to provide "new water" if permits are to be issued from the John Day/McNary Pools as described in WAC 173-531A?

## **2. Columbia River Management Program:**

- a. How are the members of the committee who design and write the program material?
- b. How approves the program material? How are the material(s) developed and what bases are they determined?
- c. Will the hydroelectric operators (BPA and the PUD) cooperate and be a part of the Management Program?
- d. Will this program be an operational plan?

- e. Will this plan or program be based on scientific parameters and consider biological demand based on these scientific parameters?

3. **Programmatic EIS:** You have listed eight (8) projects associated with the topics; none address the most important issue. The bases for all decisions to be made from, is determining the *true dynamics* of the river itself, then work can (should) be accomplished as described in this projects list.

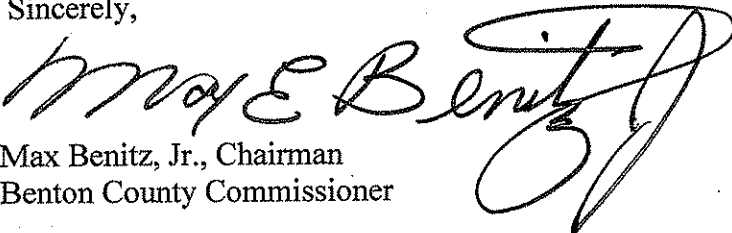
- a. Can you explain the true velocity buffering effect created from surface to volume ratios the linked lakes (dams) have on the water releases made from Lake Roosevelt?
- b. Can you determine what velocity improvement there will be from 87,000 acre feet of water there will be at McNary Dam?
- c. Can you define the velocity needed within 100 feet of the shoreline where fish migrate? Do you know that 87,000 acre-feet (Judge Redden release) are only 40% of the one day's average flow of the Columbia River?
- d. What velocity is calculated from this release?
- e. Will this EIS define the maximum temperatures that will hazard fish and the shoreline ecosystem and what velocities are required during this defined time period?

4. **Benton Klickitat Counties Issues:**

- a. Will the implementation plans developed by the planning units of the WIRA's be addressed as part of the Columbia River Management Program and will the plans be included in the program?
- b. What defines mitigation and who identifies and implements appropriate mitigation?
- c. Is there a time frame given to submit a Voluntary Regional Agreement and are there boundaries to the term Regional?
- d. Is it by WIRA definition or some other geographic detail? When will the answers in Item # 1 be available?

With this list of questions that we have identified, the Board of County Commissioners would like to continue to be engaged in the discussion for permanent water rights from the McNary/John Day reserves.

Sincerely,



Max Benitz, Jr., Chairman  
Benton County Commissioner